

91st Legislative Session – 2016

Committee: House Taxation

Thursday, February 18, 2016

P - Present
E - Excused
A - Absent

Roll Call

P Bartling
P Beal
P Duvall
P Haggar (Don)
P Killer
P Kirschman
P Latterell
P May
P Novstrup (Al)
P Rasmussen
P Russell
P Wiik
P Willadsen
P Rozum, Vice-Chair
P Solum, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Roger Solum, Chair.

MOTION: TO AMEND THE MINUTES OF FEBRUARY 16, 2016, TO STATE MEETING
WAS CALLED TO ORDER BY REPRESENTATIVE ROZUM, VICE CHAIR

Moved by: Duvall
Second by: Willadsen
Action: Prevailed by voice vote.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 16, 2016, AS
AMENDED

Moved by: Rozum
Second by: Bartling
Action: Prevailed by voice vote.

SB 52: establish procedures for reporting federal tax changes for purposes of the bank franchise tax.

Proponents: Michael Houdyshell, Department of Revenue

MOTION: DO PASS SB 52

Moved by: Rozum
Second by: Rasmussen
Action: Prevailed by roll call vote. (14-0-1-0)

Voting Yes: Bartling, Beal, Duvall, Killer, Kirschman, Latterell, May, Novstrup (Al), Rasmussen, Russell, Wiik, Willadsen, Rozum, Solum

Excused: Haggard (Don)

MOTION: PLACE SB 52 ON CONSENT CALENDAR

Moved by: Duvall
Second by: Rozum
Action: Prevailed by voice vote.

SB 53: revise certain provisions concerning the bank franchise tax.

Proponents: Michael Houdyshell, Department of Revenue

MOTION: DO PASS SB 53

Moved by: Willadsen
Second by: Wiik
Action: Prevailed by roll call vote. (14-0-1-0)

Voting Yes: Bartling, Beal, Duvall, Killer, Kirschman, Latterell, May, Novstrup (Al), Rasmussen, Russell, Wiik, Willadsen, Rozum, Solum

Excused: Haggard (Don)

MOTION: PLACE SB 53 ON CONSENT CALENDAR

Moved by: Willadsen
Second by: Latterell
Action: Failed by voice vote.

SB 59: revise certain provisions regarding the application of the special annual road funding levy.

Presented by: Representative Duvall
Proponents: Michael Houdyshell, Department of Revenue
Senator Vehle (Handouts: #1)
Darin Bergquist, Department of Transportation
Bob Wilcox, South Dakota Association of County Commissioners

MOTION: DO PASS SB 59

Moved by: Willadsen
Second by: Rozum
Action: Prevailed by roll call vote. (10-4-1-0)

Voting Yes: Bartling, Beal, Duvall, Kirschman, Novstrup (Al), Rasmussen, Wiik, Willadsen, Rozum, Solum

Voting No: Killer, Latterell, May, Russell

Excused: Haggard (Don)

HB 1106: exempt certain trees from requirements related to the removal of vegetation and debris from township road rights-of-way and to extend general immunity from certain civil liability for trees located in the township road right-of-way.

Presented by: Representative Wiik
Proponents: Justin Bell, Dakota Plains Energy (Handouts: #2, #3)
Brett Koenecke, Iberdrola Renewables, LLC
Bill Van Camp, NextEra
Heath Johnson, Aberdeen, self

MOTION: AMEND HB 1106

1106rc

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 43-13-24 be amended to read:

43-13-24. Each wind turbine tower of a large wind energy system shall be set back at least five hundred feet or 1.1 times the height of the tower, whichever distance is greater, from any surrounding property line. Each wind turbine tower shall also be set back one thousand feet from an occupied structure. However, if the owner of the wind turbine tower has a written agreement with an adjacent land owner allowing the placement of the tower closer to the property line, the tower may be placed closer to the property line shared with that adjacent land owner. The exclusive remedy against any entity that erects a wind turbine tower in violation of this section is to pay the adjacent landowner three times the fair market value of the land falling within the setbacks imposed by this section."

Moved by: Willadsen
Second by: Duvall
Action: Prevailed by roll call vote. (11-2-2-0)

Voting Yes: Beal, Duvall, Killer, Kirschman, Novstrup (Al), Rasmussen, Russell, Wiik, Willadsen, Rozum, Solum

Voting No: Latterell, May

Excused: Bartling, Haggar (Don)

MOTION: DO PASS HB 1106 AS AMENDED

Moved by: Duvall
Second by: Kirschman
Action: Prevailed by roll call vote. (9-4-2-0)

Voting Yes: Beal, Duvall, Kirschman, Novstrup (Al), Russell, Wiik, Willadsen, Rozum, Solum

Voting No: Killer, Latterell, May, Rasmussen

Excused: Bartling, Haggar (Don)

MOTION: AMEND TITLE OF HB 1106

1106rta

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "revise certain codes and standards regarding wind energy system set back requirements.".

On page 1, delete lines 2 and 3.

Moved by: Duvall
Second by: Rozum
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Rozum
Second by: Duvall
Action: Prevailed by voice vote.

Liz Markley
Committee Secretary

Roger D. Solum, Chair